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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,287	09/19/2003	Junichi Rekimoto	112857-434	8626
7590 Bell, Boyd & Lloyd, LLC P.O. Box 1135 Chicago, IL 60690-1135				
			EXAMINER HUYNH, BA	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 08/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,287

Applicant(s)

REKIMOTO, JUNICHI

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claim 23, line 6: the phrase “position context” lack clear antecedent basis. Line 8: the phrase “data items” lacks clear antecedent basis. Line 9: The phrase “the attached surrounding contexts” lacks clear antecedent basis. It appears that a phrase such as “the attached data items and the captured surrounding contexts” would be more appropriate. The same problems are found in claim 32.

As for claim 41, line 5: The phrase “location data” lacks clear antecedent basis. Lines 12: the phrases “location data, time data, and keyword” lacks clear antecedent basis. It is not clear whether the applicant is referring to the location, time, and keyword recited in lines 5-9 of the claim. Lines 13, 15 and 17: The phrases “visual data, audio data and text data” lack clear antecedent basis. The same problems are found in claim 43.

As for claim 45, line 10: The phrase “visual data, audio data and text data” lack clear antecedent basis. The same problem is found in claim 46.

Claim Rejections - 35 USC § 103

Art Unit: 2179

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod et al.

- As for claims 45, 46: Herrod et al (hereinafter Herrod) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment (7:7-10), comprising the steps/means for receiving location data (5:49-52, 6:37-48), barcode symbol (6:31)₂ and data including at least one visual data, audio data and text data (6:34-38) from an other apparatus (6:17-22, 8:29-31, wherein the “other apparatus” is being interpreted as the data terminal 10), storing the location data, barcode symbol, internet address, and data including at least one visual data, audio data and text data in a database in a corresponding manner (6:20-22, 8:29-31), wherein the barcode and internet address are attached as retrieving key for retrieving the data including at least one of visual data, audio data and text data (5:52-54, 6:29-31, 8:51-58), retrieving the database in response to a request from the other apparatus, and sending data including at least one of visual data, audio data and text data in a result of the retrieving. Herrod fails to clearly teach receiving time data and keyword, storing the time data and keyword, and using the time data and keyword for retrieving the stored visual data, audio data and

text data. However Herrod discloses various embodiments wherein the invention can be employed in journalist report (7:4-10), police report (7:17-21, 9:37-43), insurance bid/estimate (9:27-34), and parcel tracking (10:17-28). The user may input additional information to the captured image (10:4648). Official notice is taken that implementation of keyword and time data as keys for retrieving stored information is well known in computer art of information storing and retrieving. It would have been readily apparent to one of skill in the art that time is an important piece of information in such journalist report, police report, insurance bid/estimate, and parcel tracking. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the means/step of selecting the time when attaching and receiving the data item. Motivation of the implementation is for tracking purpose. It also would have been obvious to one of skill in the art, at the time the invention was made, to implement the keyword as retrieving keys. Motivation of the implementation is for retrieving information subject matter represented by the keyword.

- As for claims 23, 24, 32, 33: Herrod et al (hereinafter Herrod) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment (7:7-10), comprising the steps/means for capturing surrounding context in a particular environment, the surrounding contexts including at least one position context (e.g., internet address, GPS location, 5:49-52, 6:37-48) and object context (barcode symbol, 6:30-31), and

capturing data items including visual data and audio data (6:24-25, 35-37), wherein the surrounding context and data item are sensed by a plurality of sensing means (5:64-67, 6:37-43), attaching the data items to the surrounding context (6:30-43), sending the attached data items and surrounding contexts to an external apparatus for storing (6:20-22, 8:29-31), transmitting the captured surrounding context (internet address, barcode symbol) to the external apparatus for retrieving a data item stored in the external apparatus wherein the barcode and internet address are for retrieving the data including at least one of visual data, audio data and text data and retrieving the data items based on the transmitted surrounding contexts (5:52-54, 6:29-31, 8:51-58). Herrod fails to teach that the position context is sensed by a plurality of electric field intensities. Official notice is taken that sensing of position from electric field intensity is well known in the art. It would have been obvious to one of skill in the art, to apply the well known method of sensing position from electrical intensity to determine the position of an item.

- As for claims 41, 43: Herrod et al (hereinafter Herrod) teach a computer implemented method and corresponding apparatus for dynamically attaching data items to physical environment (7:7-10), comprising the steps/means for capturing surrounding context in a particular environment, the surrounding contexts including at least one position context (e.g., internet address, GPS location, 5:49-52, 6:37-48) and object context (barcode symbol, 6:30-31), and capturing data items including visual data and audio data (6:24-25, 35-37),

wherein the surrounding context and data item are sensed by a plurality of sensing means (5:64-67, 6:37-43), attaching the data items to the surrounding context (6:30-43), sending the attached data items and surrounding contexts to an external apparatus for storing (6:20-22, 8:29-31), transmitting the captured surrounding context (internet address, barcode symbol) to the external apparatus for retrieving a data item stored in the external apparatus wherein the barcode and internet address are for retrieving the data including at least one of visual data, audio data and text data (5:52-54, 6:29-31, 8:51-58), retrieving the data items based on the transmitted surrounding contexts. Herrod fails to teach that the position context is sensed by a plurality of electric field intensities.

Official notice is taken that sensing of position from electric field intensity is well known in the art. It would have been obvious to one of skill in the art, to apply the well known method of sensing position from electrical intensity to determine the position of an item. Herrod fails to clearly teach using the input time data and keyword for retrieving the stored visual data, audio data and text data. However Herrod discloses various embodiments wherein the invention can be employed in journalist report (7:4-10), police report (7:17-21, 9:37-43), insurance bid/estimate (9:27-34), and parcel tracking (10:17-28). The user may input additional information to the captured image (10:4648). Official notice is taken that implementation of keyword and time data as keys for retrieving stored information is well known in computer art of information storing and retrieving. It would have been readily apparent to one of skill in the art that

time is an important piece of information in such journalist report, police report, insurance bid/estimate, and parcel tracking. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the means/step of selecting the time when attaching and receiving the data item. Motivation of the implementation is for tracking purpose. It also would have been obvious to one of skill in the art, at the time the invention was made, to implement the keyword as retrieving keys. Motivation of the implementation is for retrieving information subject matter represented by the keyword.

- As for claims 25, 34: In light of the rejection set forth in claim 23, it would have been obvious that the date and time can be past or future date and time dependent on the user choice for naming the stored information. Further, it would have been obvious to use time and date to indicate a time schedule in the tracking of parcel delivery (10:17-36).
- As for claims 26, 35: The object barcode is for identifying the captured data which includes at least one object in the environment (7:4-10, 7:17-21, 9:37-43, 10:17-28).
- As for claims 27, 36: Camera and voice recording device are continuous data capturing devices (8:20-24).
- As for claims 28, 37: Herrod fails to teach that the position context identifies a room in the particular environment. However a room is only a type of environment within the context of Herrod. It would have been obvious to one

of skill in the art to implement Herrod in an environment where the position context is a room.

- As for claims 29, 38: The audio data is voice data (6: 22-25).
- As for claims 30, 39: The visual data is image data recorded by the camera (6:34-35).
- As for claims 31, 40, 42, 44: Herrod's teaching of determining positional of a device using GPS implies calculating distance from similarity determination among pair of an electronic field intensity of an electric wave and a unique ID of each apparatus transmitting the electric wave (see US 5,856,802, col. 5, lines 49-52 and US 7,336,969, abstract).

Response to Arguments

Applicant's arguments filed 4/2/09 have been fully considered but they are not persuasive.

Remarks:

In response to the argument that Herrod's record of information is not sent to an external apparatus for storing, the limitation is disclosed by Herrod in (6:20-22, 8:29-31). Transmitting the captured surrounding contexts to the external apparatus for retrieving data items stored in the external apparatus, and receiving the data stored in the based on the transmitted surrounding context is disclosed by Herrod in (5:52-54, 6:29-31, 8:51-58). In response to the argument that Herrod fails to disclose "receiving location data, time data, keyword and text data from an other apparatus... in a result of the retrieving", Herrod discloses receiving location data

(5:49-52, 6:37-48), barcode symbol (6:31), and data including at least one visual data, audio data and text data (6:34-38) from an other apparatus (6:17-22, 8:29-31, wherein the “other apparatus” is being interpreted as the data terminal 10), storing the location data, barcode symbol, internet address, and data including at least one visual data, audio data and text data in a database in a corresponding manner (6:20-22, 8:29-31), wherein the barcode and internet address are attached as retrieving key for retrieving the data including at least one of visual data, audio data and text data (5:52-54, 6:29-31, 8:51-58), retrieving the database in response to a request from the other apparatus, and sending data including at least one of visual data, audio data and text data in a result of the retrieving. Herrod fails to clearly teach receiving time data and keyword, storing the time data and keyword, and using the time data and keyword for retrieving the stored visual data, audio data and text data. However Herrod discloses various embodiments wherein the invention can be employed in journalist report (7:4-10), police report (7:17-21, 9:37-43), insurance bid/estimate (9:27-34), and parcel tracking (10:17-28). The user may input additional information to the captured image (10:4648). Official notice is taken that implementation of keyword and time data as keys for retrieving stored information is well known in computer art of information storing and retrieving. It would have been readily apparent to one of skill in the art that time is an important piece of information in such journalist report, police report, insurance bid/estimate, and parcel tracking. It would have been obvious to one of skill in the art, at the time the invention was made, to implement the means/step of selecting the time when attaching and receiving the data item. Motivation of the implementation is for tracking purpose. It also would have been obvious to one of skill in the art, at the time the invention was made, to

implement the keyword as retrieving keys. Motivation of the implementation is for retrieving information subject matter represented by the keyword.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ba Huynh/
Primary Examiner, Art Unit 2179